

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

COPPERHEAD PIPELINE AND
CONSTRUCTION, INC., an Oklahoma
Corporation;

Plaintiff,

vs.

NORTHERN NATURAL GAS
COMPANY, a Delaware Corporation;

Defendant.

8:14CV158

ORDER

The parties conferred with the undersigned magistrate judge regarding Northern's request for a continuance, to February 6, 2015, of its deadline for responding to Copperhead's production requests and interrogatories. Northern stated it is diligently collecting and reviewing the documents responsive to the 195 document production requests served by Copperhead. Copperhead voiced two primary concerns with granting the requested extension: 1) If Northern raises objections to the discovery, Copperhead wants to know immediately so the issues can be raised before the court, and 2) Northern's delay in raising any objections and producing discovery may jeopardize the parties' ability to meet the current May 1, 2015 discovery deadline.

After a thorough discussion of the issues,

IT IS ORDERED:

1) The parties shall meet and confer in good faith regarding Copperhead's demand that Northern's ESI be produced in native format. If, after those discussions, Northern objects to producing all or part of the documents in native format, it shall serve that objection on or before January 27, 2015. Serving an advance objection on the native

format issue does not waive Northern's right to raise any other discovery objections when timely serving discovery responses as required under paragraph 3 of this order.

2) Any motion to compel production in native format shall be promptly filed after receiving Northern's objection. Northern's response to the motion to compel shall be filed within 10 calendar days, followed by Copperhead's reply, if any, filed 7 calendar days thereafter. The three-day mailing rule shall not apply to these response and reply deadlines.

3) Northern shall fully respond to Copperhead's requests for production and interrogatories on or before February 6, 2015. Any objections raised in Northern's discovery responses shall not only state the objection, but shall clearly explain what has been produced and what has not. If responsive documents do not exist, the response must make that clear—irrespective of whether Northern also objects to the request. Northern's discovery responses must be timely made even if Copperhead has moved to demand production in a native format. And Northern's production in PDF or other format does not moot Copperhead's motion to compel production in native format.

January 13, 2015.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge